

### **REMARKS**

In the non-final Office Action, the Examiner rejects claims 1-10, 12-21, 23, 26, 30, 34, 35, and 37 under 35 U.S.C. § 101 as directed toward non-statutory subject matter; rejects claims 1, 2, 6-15, 17-20, 22-24, 26-29, and 31-36 under 35 U.S.C. § 103(a) as unpatentable over KENT et al. (U.S. Patent Application Publication No. 2005/0036624) in view of REN et al. (U.S. Patent Application Publication No. 2004/0136321); rejects claims 3-5 and 16 under 35 U.S.C. § 103(a) as unpatentable over KENT et al. in view of REN et al. and further in view of KIM (U.S. Patent Application Publication No. 2001/0038695); and rejects claims 21, 25, 30, and 37 under 35 U.S.C. § 103(a) as unpatentable over KENT et al. in view of REN et al. and further in view of ERIKSSON et al. (U.S. Patent No. 6,661,806). Applicant traverses these rejections.<sup>1</sup>

By way of the present amendment, Applicant amends claims 1, 3, 13, 21, 24, 34, 35, and 37 to improve form. No new matter has been added by way of the present amendment. Claims 1-37 remain pending.

Claims 1-10, 12-21, 23, 26, 30, 34, 35, and 37 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter for allegedly not producing a physical transformation or a useful, concrete, and tangible result. Without acquiescing in the Examiner's rejection, but merely to expedite prosecution, Applicant amends claims 1, 34, 35, and 37 to address the Examiner's concerns. As such, withdrawal of the rejection of claims 1-10, 12-21, 23, 26, 30, 34, 35, and 37 under 35 U.S.C. § 101 is respectfully requested.

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine reference, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

Claims 1, 2, 6-15, 17-20, 22-24, 26-29, and 31-36 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KENT et al. in view of REN et al. Applicant respectfully traverses this rejection.

Claim 1 recites a method of reserving a rate at which cryptographic key material is provided. The method includes sending a first reservation request for reserving a first rate from a first secret bits consuming application to a secret bits producing application; determining, by the secret bits producing application, whether the reservation request can be satisfied; reserving the first rate for the first secret bits consuming application when the determining determines that the reservation can be satisfied; and outputting an indication that the first rate has been reserved. KENT et al. and REN et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, KENT et al. and REN et al. do not disclose or suggest reserving a first rate for a first secret bits consuming application when it is determined that a reservation can be satisfied. The Examiner admits that KENT et al. does not disclose this feature and relies on paragraph 0006 of REN et al. as allegedly disclosing this feature (Office Action, pg. 4). Applicant respectfully disagrees with the Examiner's interpretation of REN et al.

At paragraph 0006, REN et al. discloses:

When a UE has data to transmit, it first sends its request embedded in a random access burst and transmitted via PRACH. After the base station receives the new request, the admissible transmission rate is evaluated. Due to the service requirements, the RRC performs two different kinds of decision. For a real-time request, the request will be accepted or rejected. On the other hand, for a non-real-time request, an appropriate transmission rate will be allocated. A non-real-time request specifies the range of the required transmission rates for itself, and would be blocked if the WCDMA system cannot provide a suitable transmission rate to satisfy its required transmission rate.

This section of REN et al. discloses allocating an appropriate transmission rate for a non-real-time request to transmit data. This section of REN et al. further discloses blocking the request if a suitable transmission rate cannot be provided. This section of REN et al. does not mention reserving a rate for a first secret bits consuming application. Therefore, this section of REN et al. cannot disclose or suggest reserving a first rate for a first secret bits consuming application when it is determined that a reservation can be satisfied, as recited in claim 1. In fact, REN et al. deals with multi-rate transmission control for radio resource control in a WCDMA network (abstract) and does not even mention a secret bits producing application.

For at least the foregoing reason, Applicant submits that claim 1 is patentable over KENT et al. and REN et al., whether taken alone or in any reasonable combination.

Claims 2, 6-15, 17-20, 22-24, and 26-29 depend from claim 1. Therefore, these claims are patentable over KENT et al. and REN et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Independent claims 31-33 recite features similar to, yet possibly of different scope than, features recited above with respect to claim 1. Therefore, claims 31-33 are patentable over KENT et al. and REN et al, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons given above with respect to claim 1.

Claim 34 recites a method of reserving a rate of providing cryptographic key material. The method includes specifying a desired consumption rate of cryptographic key material at a first network device; reserving the desired consumption rate of cryptographic key material; and outputting an indication that the desired consumption rate has been reserved. KENT et al. and REN et al. do not disclose or suggest this combination of features.

For example, KENT et al. and REN et al. do not disclose or suggest specifying a desired consumption rate of cryptographic key material at a first network device and reserving the desired consumption rate of cryptographic key material. The Examiner admits that KENT et al. does not disclose these features and appears to rely on paragraph 0006 of REN et al. as allegedly disclosing this feature (Office Action, pg. 4). Applicant respectfully disagrees with the Examiner's interpretation of REN et al.

Paragraph 0006 of REN et al. has been reproduced above. This section of REN et al. discloses allocating an appropriate transmission rate for a non-real-time request to transmit data. This section of REN et al. further discloses blocking the request if a suitable transmission rate cannot be provided. This section of REN et al. has nothing to do with specifying a desired consumption rate of cryptographic key material at a first network device and reserving the desired consumption rate of cryptographic key material, as recited by claim 34.

If this rejection is maintained, Applicant respectfully requests that the Examiner point out how the above sections of REN et al. can reasonably be construed as disclosing the above features of claim 34.

For at least the foregoing reasons, Applicant submits that claim 34 is patentable over KENT et al. and REN et al., whether taken alone or in any reasonable combination.

Claim 35 recites a method of reserving a rate of providing secret bits by a secret bit producer that is based on advantage distillation. The method includes specifying a desired rate by a first process; reserving the desired rate by the secret bit producer that is based on advantage distillation; and outputting an indication that the desired rate has been reserved. KENT et al. and REN et al.,

whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, KENT et al. and REN et al. do not disclose or suggest reserving a desired rate by a secret bit producer that is based on advantage distillation. The Examiner admits that KENT et al. does not disclose this feature and appears to rely on paragraph 0006 of REN et al. as allegedly disclosing this feature (Office Action, pg. 8). Applicant respectfully disagrees with the Examiner's interpretation of REN et al.

Paragraph 0006 of REN et al. has been reproduced above. This section of REN et al. discloses allocating an appropriate transmission rate for a non-real-time request to transmit data. This section of REN et al. further discloses blocking the request if a suitable transmission rate cannot be provided. This section of REN et al. has nothing to do with reserving a desired rate by a secret bit producer that is based on advantage distillation, as recited in claim 35.

If this rejection is maintained, Applicant respectfully requests that the Examiner point out how the above sections of REN et al. can reasonably be construed as disclosing the above feature of claim 35.

For at least the foregoing reason, Applicant submits that claim 35 is patentable over KENT et al. and REN et al., whether taken alone or in any reasonable combination.

Claim 36 recites a method of reserving a rate of providing generated cryptographic key material from an advantage distillation based secret bits producer. The method includes generating, by the advantage distillation based secret bits producer, cryptographic key material; receiving a request from a secure communication process for a reservation of the cryptographic key material at a first rate, the request identifying a minimum acceptable rate; and notifying the secure

communication process of a successful reservation when an available generated rate of cryptographic key material is greater than the minimum acceptable rate. KENT et al. and REN et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, KENT et al. and REN et al. do not disclose or suggest notifying a secure communication process of a successful reservation when an available generated rate of cryptographic key material is greater than a minimum acceptable rate. The Examiner admits that KENT et al. does not disclose this feature and appears to rely on paragraph 0006 of REN et al. as allegedly disclosing this feature (Office Action, pg. 9). Applicant respectfully disagrees with the Examiner's interpretation of REN et al.

Paragraph 0006 of REN et al. has been reproduced above. This section of REN et al. discloses allocating an appropriate transmission rate for a non-real-time request to transmit data. This section of REN et al. further discloses blocking the request if a suitable transmission rate cannot be provided. This section of REN et al. has nothing to do with notifying a secure communication process of a successful reservation when an available generated rate of cryptographic key material is greater than a minimum acceptable rate, as recited in claim 36.

If this rejection is maintained, Applicant respectfully requests that the Examiner point out how the above sections of REN et al. can reasonably be construed as disclosing the above feature of claim 36.

For at least the foregoing reason, Applicant submits that claim 36 is patentable over KENT et al. and REN et al., whether taken alone or in any reasonable combination.

Claims 3-5 and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KENT et al. in view of REN et al. and KIM. Applicant respectfully traverses this rejection.

Claims 3-5 and 16 depend from claim 1. Without acquiescing in the rejection of claims 3-5 and 16, Applicant submits that the disclosure of KIM does not remedy the deficiencies in the disclosures of KENT et al. and REN et al. set forth above with respect to claim 1. Therefore, claims 3-5 and 16 are patentable over KENT et al., REN et al., and KIM, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claims 21, 25, 30, and 37 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KENT et al. in view of REN et al. and ERIKSSON et al. Applicant respectfully traverses this rejection.

Claims 21, 25, and 30 depend from claim 1. Without acquiescing in the rejection of claims 21, 25, and 30, Applicant submits that the disclosure of ERIKSSON et al. does not remedy the deficiencies in the disclosures of KENT et al. and REN et al. set forth above with respect to claim 1. Therefore, claims 12, 25, and 30 are patentable over KENT et al., REN et al., and ERIKSSON et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 1.

Claim 37 recites a method of reserving a rate of providing secret key material for protecting communications. The method includes specifying a minimum desired consumption rate of secret key material and a priority by a client process; determining, by a secret key material producing process, whether the minimum desired consumption rate of secret key material is available to the client process; when the minimum desired consumption rate of secret key material is not available to the client process, making at least the minimum desired consumption rate of secret key material

available by canceling at least one previously made reservation of a rate of the secret key material, each of the at least one previously made reservation having a lower priority than the specified priority; reserving at least the minimum desired consumption rate of the secret key material for the client process; and outputting an indication that the minimum desired consumption rate has been reserved. KENT et al., REN et al., and ERIKSSON et al., whether taken alone or in any reasonable combination, do not disclose or suggest this combination of features.

For example, KENT et al., REN et al., and ERIKSSON et al. do not disclose or suggest determining whether a minimum desired consumption rate of secret key material is available to a client process. The Examiner admits that KENT et al. does not disclose this feature and relies on paragraph 0006 of REN et al. as allegedly disclosing this feature (Office Action, pp. 13-14). Applicant respectfully disagrees with the Examiner's interpretation of REN et al.

Paragraph 0006 of REN et al. has been reproduced above. This section of REN et al. discloses allocating an appropriate transmission rate for a non-real-time request to transmit data. This section of REN et al. further discloses blocking the request if a suitable transmission rate cannot be provided. This section of REN et al. has nothing to do with determining whether a minimum desired consumption rate of secret key material is available to a client process, as recited in claim 37.

If this rejection is maintained, Applicant respectfully requests that the Examiner point out how the above sections of REN et al. can reasonably be construed as disclosing the above feature of claim 37.

The disclosure of ERIKSSON et al. does not remedy the deficiencies in the disclosure of REN et al. set forth above.



For at least the foregoing reason, Applicant submits that claim 37 is patentable over KENT et al., REN et al. and ERIKSSON et al., whether taken alone or in any reasonable combination.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and allowance of pending claims 1-37.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 18-1945 and please credit any excess fees to such deposit account.

Dated: February 29, 2008

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